IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.539 of 2007

Mrs.Mona Pravin Chandikapure — Petitioner
Vs.
State of Maharashtra & anr. — Respondent

Mr.Mangesh M.D. Patel for petitioner.
Mr.Ganesh Jadhav for resp.no.2.
Mr.Y.M.Nakhawa, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 17, 2007.

P.C.

. This petition filed under Article 227 of the Constitution prays for invoking the inherent powers under Section 482 of Cr.P.C. so as to quash the proceedings in Criminal Case No.390 of 2003 presently pending before the learned Judicial Magistrate, First Class at Vashi, Navi Mumbai for an offence punishable under Section 498-A of IPC, on the basis of the settlement arrived at between the spouses.

. The petitioner and the respondent no.2 were married on 26/5/2002 and the petitioner wife filed a complaint with the police station on 21/2/2003 which came to be registered as CR No.I-43/2003. The parties thereafter decided to settle the matrimonial disputes and the wife had filed HMP No.A/308 of 2006

for grant of divorce by consent. In fact this was a joint application made by the petitioner and the respondent no.2 praying for a decree of divorce by consent and the said Consent Terms have been accepted by the Family Court and the marriage has been dissolved by decree of divorce by mutual consent passed on 21/3/2007.

. The learned counsel for the respondent - husband has supported the petitioner and both the parties rely upon the judgment of the Supreme Court in the case of B.S. Joshi and ors. Vs. State of Haryana and anr. **[(2003) 4 SCC 675]**.

. Hence the petition is allowed and the proceedings in Criminal Case No.390 of 2003 presently pending before the learned Judicial Magistrate, First Class at Vashi, Navi Mumbai are hereby quashed.

(B.H.MARL